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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,729	01/19/2000	Baik-hee Han	Q57577	3502

7590 11/17/2003  
Sughrue Mion Zinn MacPeak & Seas PLLC  
2100 Pennsylvania Avenue NW  
Washington, DC 20037-3202

EXAMINER
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NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/17/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/487,729

Applicant(s)

HAN, BAIK-HEE

Examiner

Paulos M. Natnael

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1,3-5,7 and 8.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,8.
10. ☐ Other: \_\_\_\_\_

MICHAEL H. LEE  
PRIMARY EXAMINER

(1) Examiner regrets the inadvertent use of 35 USC 102 (e) instead of 35 USC 102 (b), as Applicant correctly pointed out, since both references used to reject the claims have publication dates more than one year earlier than the filing data of the present application.

(2) Applicant argues that the Examiner is taking the sentence on col. 4, lines 3-8 of Tsukagoshi out of context. However, Examiner submits the quoted passage is clear and unambiguous. Tsukagoshi discloses a channel selecting apparatus and method used in a television receiving apparatus and capable of memorizing channel data(see title). Further Tsukagoshi discloses "when a judging signal showing that a broadcast signal is included in a receiving channel is input from the judging circuit, that channel will be received.

(Abstract)

Tsukagoshi discloses a tuner 2 controlled by channel selecting microcomputer 3 which includes a RAM 9 within. The microcomputer receives input from the input apparatus 8. Tsukagoshi clearly and unambiguously teaches that "In this case, the channel selecting microcomputer 3 will judge the respective receiving channels by the judging signal from the synchronizing circuit 7 as to whether they are signal channels or no-signal channels and will have the RAM 9 memorize the data showing the channel numbers of the signal channels. (col. 4, lines 2-8) It is clear from the above the reference of Tsukagoshi teaches that the channel data received from the input apparatus is stored in RAM 9, while the microcomputer controls the tuner according to the designated channel by the user. (see col. 3, lines 64-66) Therefore, the Examiner submits that the quoted passage from the reference was is not merely a single useless sentence, but a clear teaching that the microcomputer determines or judges whether or not a broadcasting signal has been received. Therefore, the argument that the Tsukagoshi fails to disclose or suggest "that when a controller receives a channel number output from the key input and controls a tuner to tune a broadcasting channel corresponding to the received channel number," is not persuasive.

Toyoshima et al. discloses a TV receiver for receiving a broadcast signal and station information. Fig. 2 of Toyoshima et al. discloses a procedure for channel setting and analysis. A control microcomputer 8 controls the operation of the receiver. The system includes a RF signal receiver 1, channel select 2, and IR signal receiving unit 7. Specifically, Toyoshima et al. teaches that "the channel selection is performed in accordance with the channel number which is shown by the counter, at the succeeding step SP3...the CPU 8 writes the information of the information signal SG along with the channel number to the memory 9..." (col. 3, line 53-64) Fig. 2 clearly illustrates that a start channel setting, selects channel and judges or determines if the channel is an active channel and if so writes the information in memory. Furthermore, Toyoshima discloses that the channel selection is performed in accordance with the channel number which is shown by the counter, at the succeeding step SP3. An AFT signal etc. of the received signal is monitored, and the presence of a signal S(in other words, whether it is an active channel or not) is judged at the step SP4. If an affirmative result is obtained at SP4 tile, CPU 8 proceeds to the succeeding step SP5 and receives the information signal SG from the information signal analyzing circuit 5. At step SP6, the CPU 8 writes the information of the information signal SG along with the channel number to the memory 9, and then proceeds to the succeeding step SP7. (col. 3, lines 47-64) The reference of Toyoshima et al. therefore teaches that the system controlled by the Micro Computer determines whether the broadcasting signal is present in the tuned broadcasting channel, (i.e., whether it is an active channel or not) and stores the channel number in memory.